

DEC 1 3 2005

FINAL REJECTION
EXPEDITED PROCEDURE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joachim B. Kohn et al.

Application No.: 10/691,750

Examiner: D. Jones

Filed: October 23, 2003

Group Art Unit: 1618

For: RADIO-OPAQUE POLYMERIC BIOMATERIALS

Attorney Docket No.: P22,591-D USA

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, along with any paper indicated as being enclosed, are being sent via facsimile addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at (571) 273-8300 on December 13, 2005.

December 13, 2005

Date

Janet Hainz

Janet Hainz

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Rutgers, the State University, Old Queens, Somerset Street, New Brunswick, NJ 08909, being the owner of record of the entire right, title and interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,852,308 (the '308 patent), of which Rutgers, the State University is also the owner of record of the entire right, title and interest. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the '308 patent are commonly owned.

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Application No. 10/691,750
Terminal Disclaimer dated December 13, 2005
Reply to Office Action of July 13, 2005

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the '308 patent, as presently shortened by any Terminal Disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

A Credit Card Authorization for the Terminal Disclaimer fee of \$65 under 37 C.F.R. § 1.20(d) is enclosed. The Examiner is authorized to charge any additional fees to Applicants' Deposit Account No. 19-5425 therefor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


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Dated: December 13, 2005

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